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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,368	12/10/2001	Werner Zimmermann	P6537.2US	3893

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EXAMINER
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CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,368

Applicant(s)

ZIMMERMANN ET AL.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-30, & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (USPN 6,190,026) in view of Mizobe (USPN 5,249,104).

Regarding claim 1, Moore discloses at least one vehicle light housing (600) having an open end (301) and configured to be arranged on an inner side of a vehicle part of the vehicle (figure 1), at least one illumination element (301) arranged in the at least one vehicle light housing, wherein the vehicle part has a light-transmissive area (claim 1) covering the open end of the at least one vehicle light housing, wherein the light transmissive area is at least partially transmissive for rays emitted by the at least one illumination element (figure 3), the transmissive area (including housing frame 200) can be plated with metallic substances or painted/protective layer where the frame also can be constructed of colored translucent or transparent material for illumination when the illuminant 301 is activated. Moore discloses the claimed invention except for the functionality of the protective layer. Mizobe teaches that it is known that the light-transmissive area of a vehicle part is provided with a protective layers (8, 9, 10, 11, 12),

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wherein the light-transmissive area of the vehicle part is provided with a protective layer (10) wherein the protective layer (10) is so thin that the rays emitted by the at least one illumination element (3) when switched on penetrate through the protective layer (10) and so thick that the light-transmissive area cannot be detected from an exterior of a vehicle when the at least one illumination element (3) is switched off. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the light transmissive area of Moore to include a protective layer, as taught by Mizobe in order to provide a dynamic display appearance of an emblem mounted on an automotive vehicle where the interior of the display device is kept invisible in the daytime, whereas the pattern is displayed in any desired color in a uniform manner in the nighttime.

Regarding claim 2, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is a car body part comprising at least one opening and a light-transmissive lens (column 1, lines 15-55) arranged in the at least one opening and forming the light-transmissive area.

Regarding claim 3, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the lens has an outer side of the lens and the outer side of the car body part is flush with one another (figure 1).

Regarding claim 4, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the lens closes the open end of the at least one vehicle light housing (figure 3).

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Regarding claim 7, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Mizobe discloses the protective layer has the same color (11) as the vehicle.

Regarding claims 8 & 9, Moore in view of Mizobe discloses the claimed invention, except the emblem being mounted on a trunk lid or rear hatch of the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the emblem on a trunk lid of the vehicle (it is common that vehicle carries emblems in front fender and rear trunk or hatch of the vehicle), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 10, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is comprised of light-opaque material (202).

Regarding claim 11, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is comprised of metal (inherent).

Regarding claim 12, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is comprised of plastic material (column 4, lines 5-25).

Regarding claim 13, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the plastic material is a light-transmissive material (column 4, lines 5-25).

Regarding claim 14, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the plastic material is coated by a coat of paint / color (column 4, lines 5-25) & Mizobe discloses the color-sheet (11).

Regarding claim 15, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part and the light transmissive area are comprised of light-transmissive plastic material (it is inherent that the vehicle part is comprised of light-transmissive plastic material such as tail lamp head lamp side marker).

Regarding claim 16, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the light-transmissive plastic material of the vehicle part and the light-transmissive plastic material of the light-transmissive area are identical.

Regarding claim 17, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the edge of the lens and the edge of the opening a gap is defined and wherein the gap is covered (Figure 3).

Regarding claim 18, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the gap is covered from the outer side of the car body part (figure 1).

Regarding claim 19, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses a cover element connected to the outer side of the car body part wherein the gap is covered by the cover element (figure 1).

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Regarding claim 20, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the cover element is an emblem or a symbol.

Regarding claim 21, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the cover element is light opaque.

Regarding claim 22, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses an emblem or a symbol is provided on an outer side of the vehicle part the emblem or the symbol is at least partially comprised of light-transmissive material (column 4, lines 15-25).

Regarding claim 23, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is at least partially light transmissive in an area underneath the emblem.

Regarding claim 24, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is light opaque in the area surrounded by the emblem.

Regarding claim 25, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the vehicle part is a car body part comprising at least one opening and a light transmissive lens arranged in the at least one opening and forming the light transmissive area, wherein a gap is defined between an edge of the lens and an edge of the opening, and wherein the gap is covered at an inner side of the car body part.



Regarding claim 26, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the lens comprises at least one support part arranged at a spacing from the inner side of the car body part and configured to receive at least one sealing element (the interior studs and open bores are of such dimension that a "snap" tight frictional type bond is created where (300) acts as a sealing element).

Regarding claim 27, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses at least one support part is an annular flange projecting radially from the lens (figure 6).

Regarding claim 28, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the at least one vehicle light housing has a shoulder surface and wherein the at least one support part rests against the shoulder surface of the at least one vehicle light housing (figure 1 & 6).

Regarding claim 29, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses the lens is centered by the at least one vehicle light housing (figure 6).

Regarding claim 30, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses at least one optical element (prism lens, column 1, lines 15-55) positioned in the path of the rays emitted by the at least one illumination element.



Regarding claim 34, Moore in view of Mizobe discloses the claimed invention, explained above. In addition, Moore discloses at least one illumination element is an LED.

3. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (USPN 6,190,026) in view of Mizobe (USPN 5,249,104) as applied to claim 1 above, and further in view of either Waldmann (6,139,171) or Furst et al. (USPN 6,152,590).

Regarding claims 31, Moore in view of Mizobe discloses the claimed invention, explained above. Moore in view of Mizobe fail to specifically disclose the light transmissive area is provided on the mirror head. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use modification in Moore, as taught by either Waldmann or Furst et al. in order to providing lighting on an exterior rearview mirror. In addition, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Especially, either Waldmann or Furst et al. teaches that it is known to arrange a lighting element on an exterior rearview mirror.

Regarding claim 32, Moore in view of Mizobe as applied to claim 1 above, and further in view of either Waldmann or Furst et al. discloses the claimed invention. In addition, Moore discloses the housing is coated externally with a light-opaque coat of paint.

Regarding claim 33, Moore in view of Mizobe as applied to claim 1 above, and further in view of either Waldmann or Furst et al. discloses the claimed invention. In

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addition, Moore discloses the coat of paint on the light-transmissive area has a thickness enabling the rays emitted by the at least one illumination to pass through (column 4, lines 10-15).

#### ***Response to Amendment***

4. Examiner acknowledges that the applicant has amended claims 1 & 7 and cancelled claims 5 & 6. Now claims 1-4 & 7-34 are pending in the application.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4 & 7-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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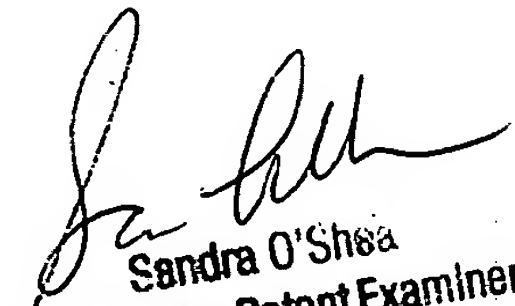
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC  
May 6, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800